



February 26, 2002

VIA E-MAIL/REGULAR MAIL

United States Environmental Protection Agency (USEPA)
Enforcement and Compliance Docket and Information Center (Mail Code 2201A)
ATTN: Docket Number EC-2000-007
1200 Pennsylvania Avenue, NW
Washington, DC 20460

**Re: Comments on Proposed Cross-Media Electronic Reporting and Recordkeeping Rule
(CROMERRR) : Docket Number EC-2000-007
Chemistry Council of New Jersey**

Dear Sir/Madam:

The Chemistry Council of New Jersey (CCNJ), on behalf of our membership, appreciates the opportunity to provide comments on the above-referenced rule. The CCNJ represents over 105 companies involved in the business of chemistry (pharmaceuticals, chemicals, flavors and fragrances, petroleum refining, etc.) in New Jersey. The business of chemistry directly employs over 94,000 employees in New Jersey and is responsible for over 29 billion dollars in revenues each year.

Our comments on the rule are as follows:

Comment#1: Perhaps the biggest impact and concern in the rule is the conversion of existing electronic records to meet the requirements of the yet to be created, Central Data Exchange (CDX) system. Certain criteria are laid out in the rule which existing E-records must meet in order to satisfy the CDX requirements. The cost implications in upgrading existing databases and systems would be enormous and cost prohibitive with little or no environmental benefit gained from such conversion. Although the rule states it impacts only the receiving databases of delegated states and USEPA, it indirectly affects the regulated community in that existing databases would need to be converted/upgraded to meet the new requirements.

Furthermore, USEPA fails to realize the magnitude and disruption of such an upgrade on both large facilities, which may have complex databases, and on smaller facilities which may not have the financial resources to achieve such an upgrade. In the rule, it specifies that the cost for a facility to implement a database or to upgrade an existing system, to meet the CDX requirements, would be approximately \$40,000. The initial feedback from some of our members, engaged in both the pharmaceutical and chemical business, place the costs in the millions of dollars. The CCNJ does not believe the USEPA has thoroughly evaluated the financial implications of the rule.

The goal of electronic reporting should be to lessen the burden of reporting and not add to it. Clearly, this rule would complicate and burden facilities. Another concern is with the broad definition of what would be considered an electronic record. Everything from Excel spreadsheets to the downloading of operational/maintenance data could be interpreted as electronic records, therefore, requiring the upgrade. Given the aforementioned concerns,

the CCNJ respectfully requests that the recordkeeping requirements be deleted from the rule.

COMMENT #2: EPA's proposal also contradicts the requirements of the Paperwork Reduction Act, the Regulatory Flexibility Act, the Small Business Regulatory Enforcement Fairness Act, the Government Paperwork Elimination Act, and the Unfunded Mandates Reform Act. The requirements set forth in the rule places companies that report electronically at a disadvantage over companies that report in paper format. The economic burden placed on the regulated community will only discourage companies from reporting electronically. This goes against the spirit of electronic reporting.

COMMENT #3: With regards to the mandate that delegated states must upgrade their databases, here in New Jersey, the Department of Environmental Protection (DEP) has spent the last several years upgrading and consolidating their databases into one database called the New Jersey Environmental Management System (NJEMS). NJEMS ties together all programs at DEP including enforcement. Countless hours and efforts from both the regulated community and DEP have been spent developing NJEMS. Companies in New Jersey have also been working to get accustomed to the NJEMS database. This rule would negate the work and effort, as well as the money spent, in developing NJEMS and would only further increase the burden on the DEP and the regulated community here in New Jersey.

Finally, the CCNJ would like to express support for the positions, testimony and comments given on this subject by the American Chemistry Council (ACC), the American Petroleum Institute (API) and our member companies, individually. We hope USEPA reconsiders and withdraws its current proposal.

The CCNJ looks forward to hearing the USEPA's responses to our comments and concerns. Please contact me at (609) 392-4214, should you have any questions, or if you need additional information. Thank you.

Sincerely,

Anthony Russo
Director of Regulatory Affairs
CCNJ

cc: CCNJ Membership (via e-mail)

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Tony Russo
<TRusso@chemistrycouncilnj.org>

02/27/02 01:45 PM

To: docket.oeca@epamail.epa.gov
cc: Brian Hughes <BHughes@chemistrycouncilnj.org>
Subject: Comments on CROMERRR (Docket Number EC-2000-007)

Dear Sir/Madam,

Attached are the final comments on the USEPA's CROMERRR Rule from the Chemistry Council of New Jersey. Hard copys will follow in the mail. Docket Number EC-2000-007. Thank you for the opportunity to comment.

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PS: Brian-Please post these comments on our website. Thanks



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